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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,458	07/23/2003	Tadashi Okano	450100-4796.2	2552

7590 05/17/2004

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EXAMINER
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FULLER, RODNEY EVAN

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/626,458

Applicant(s)

OKANO ET AL.

Examiner

Rodney E Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears n the c ver sheet with th correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/266,077.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is presented in "two" paragraphs and should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-13 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Factor (US 4,408,838).

Factor (US 4,408,838) discloses all the structure set forth in the claims.

Regarding claims 1, 2, 5 and 18, Factor (US 4,408,838) discloses a "a luminous body (Fig. 1, "LIGHT") emitting light to be projected onto the recording medium (Fig. 1, ref.#

7); means for detecting the light quantity emitted from the luminous body (Fig. 1, ref. 5<sub>2</sub>, 5<sub>3</sub>); and means for directly regulating (Fig. 1, ref.# 1-4) the light quantity emitted from the luminous body based on the result of detection by the means for detecting the light quantity, so as to make the light quantity emitted by the luminous body and therefore the light quantity projected onto the recording medium constant.”

In regards to claims 3, 11-13, and 17, Factor (US 4,408,838) discloses “wherein the recording medium, in which an image is recorded, is a movie film.” (see abstract and Fig. 1, ref.# 7, Factor)

In regards to claims 5-7 and 19, Factor (US 4,408,838) discloses a “means (Fig. 1, ref.# 2-4) for controlling the opening/closing operation of the means (Fig. 1, ref.# 1) for opening/closing light path based on the result of the detection by the means (Fig. 1, ref.# 5<sub>2</sub>, 5<sub>3</sub>) for detecting the light quantity in order to make the accumulated light quantity projected onto the recording medium constant.” (see column 2, line 34)

In regards to claims 8-10 and 17, Factor (US 4,408,838) discloses “wherein the means for opening/closing light comprises a liquid crystal shutter.” (see column 3, line 12-13, and Fig. 1, ref.# 1)

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Firmani (US 4,792,829).

Regarding claims 1 and 2, Firmani (US 4,792,829) discloses “...a luminous body (Fig. 1, ref.# 10) emitting light to be projected onto the recording medium (Fig. 1, ref.# 18); means for detecting (Fig. 1, ref.# 45) the light-quantity emitted from the luminous body; and means (Fig. 1, ref. # 21) for directly regulating the light-quantity emitted from the luminous body based on the result of detection by the means for detecting the light

quantity, so as to make the light-quantity emitted by the luminous body and therefore the light quantity projected onto the recording medium constant.” (See column 1, lines 55-58, 68; column 3, lines 11-12, 23-31; column 6, lines 64-68; column 7 lines 1-4, 26-29, 34-36, 48-52)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor (US 4,408,838) in view of Miyashita (US 5,136,397).

Factor (US 4,408,838) discloses all the structure set forth in the claims except “wherein the recording medium, in which an image is recorded, is a group of liquid crystal display devices.” However, “an image projecting apparatus” “wherein the recording medium, in which an image is recorded, is a group of liquid crystal display devices” is routine in the art as is evident from the teaching of Miyashita (US 5,136,397), (see Fig. 1). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Factor (US 4,408,838) by “wherein the recording medium, in which an image is recorded, is a group of liquid crystal display devices.” The ordinary artisan would have been motivated to modify Factor (US 4,408,838) in the

manner described above for at least the purpose of projecting images stored in a video format.

### ***Conclusion***

8. This is continuation of applicant's earlier Application No. 10/161,024. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. (Note: The present claims are identical to the claims presented in application No. 10/161,024 in the Amendment dated June 3, 2002.) Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

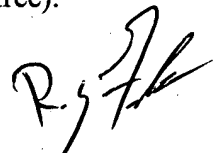
Oriel Instruments, Online catalog, 68950 Light Intensity Control System, [www.lotoriel.co.uk](http://www.lotoriel.co.uk), 2004; and Ziege, et al. (US 5,100,805) each disclose a luminous body emitting light, means for directly detecting the light quantity, and a means for directly regulating the light quantity.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller  
Primary Examiner  
Art Unit 2851



May 12, 2004